

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

KIMBERLY ALLEN, Personal
Representative of the ESTATE
OF TODD ALLEN, Individually,
on Behalf of the ESTATE OF
TODD ALLEN, and on Behalf of
the Minor Child PRESLEY
GRACE ALLEN,

Plaintiffs,

vs.

UNITED STATES OF AMERICA,

Defendant.

Case No. A04-0131 (JKS) /

DEPOSITION OF KIMBERLY ALLEN

Pages 1 - 167, inclusive

Tuesday, April 12, 2005, 9:40 a.m.

Anchorage, Alaska

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Exhibit D

Kimberly Alen

Deposition

April 12, 2005

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1 me through that, that's helped me -- I don't know what
 2 the right way to say this would be, but to not be so
 3 anxious, I guess.

4 Q. Before you got the treatment with
 5 medication, how often was it bothering you?

6 A. Every day.

7 Q. Okay. And how long did it bother you before
 8 you went to seek treatment?

9 A. A while, couple weeks, two, three weeks.

10 Q. And once you went to the doctor and he gave
 11 you treatment, was it effective?

12 A. Yes.

13 Q. Do you know what medication he gives you for
 14 that?

15 A. Zoloft.

16 Q. Zoloft?

17 A. Zoloft and Xanax.

18 Q. How often do you take it?

19 A. The Zoloft is every morning.

20 Q. You said Xanax is another one?

21 A. Xanax is for mostly the inability to sleep
 22 and if I have any major panic attacks or something
 23 crazy.

24 Q. So you feel like that is under control with
 25 the medication?

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1 A. Yes. I actually went back a couple days
 2 ago, and he upped my Zoloft. But yeah, it's helping
 3 considerably.

4 Q. Has Dr. Wiggins indicated to you how long he
 5 thinks you will be on the medication?

6 A. He has not indicated, no. I anticipate,
 7 though, once -- I don't think it will be long.

8 Q. I mean, he's not told you we're going to do
 9 this for two weeks and then stop. He's just
 10 continuing to treat you?

11 A. Correct.

12 Q. How about the inability to sleep? Did that
 13 start at the same time as the anxiety?

14 A. Yeah. Well, that -- yeah.

15 Q. And how often was that bothering you? Every
 16 night?

17 A. Yeah.

18 Q. And are you being treated for that now?

19 A. It's basically the Xanax, yes.

20 Q. Does that help?

21 A. Yeah.

22 Q. And recognizing that you're taking this
 23 medication, do you feel like you're back to somewhat
 24 normally functioning now?

25 A. Somewhat normal functioning so that I can

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1 process this better, yes.

2 Q. And I don't mean to suggest that you are
 3 forgetting about your husband or that you're over that
 4 problem. But in terms of being able to do daily
 5 activities and be able to sleep at night and get up
 6 and go to work, are you able to do that now?

7 A. I don't have a choice. I have to with
 8 Presley.

9 Q. And have you been able to do that over the
 10 last several months?

11 A. Yes.

12 Q. Aside from the medication that Dr. Wiggins
 13 has prescribed for you, is there any other treatment?
 14 For example, has he recommended that you go see a
 15 therapist or seek counseling or anything like that?

16 A. He hasn't recommended it. I would love to,
 17 but I just don't have time. I mean, I work 40 hours a
 18 week. I go to school part time, because I have to
 19 provide for Presley's future. And then I have
 20 Presley, so, you know, I have to function.

21 Q. So if you had the time and opportunity, you
 22 think you might benefit from counseling, but you
 23 haven't had the opportunity yet?

24 A. Correct.

25 Q. All right. And so then I would ask

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1 follow-up questions if you had gone to a counselor to
 2 see what they thought about it, but you haven't even
 3 been able to talk to someone yet?

4 A. Correct.

5 Q. What about, if not a counselor, have you had
 6 any counseling with like a priest or
 7 religious-affiliated person, counselor, something like
 8 that?

9 A. No.

10 MR. GUARINO: And I'll have my office -- if
 11 you don't have the records for Dr. Wiggins, I guess
 12 we'll either get a release to get --

13 MS. McCREADY: Yeah, I don't have them. I
 14 asked for them.

15 THE WITNESS: Yeah. When I went that day,
 16 they were just copying that day.

17 BY MR. GUARINO:

18 Q. Let me ask a few questions. Aside from
 19 those two conditions, anxiety, inability to sleep, is
 20 there any other physical injury that you have that you
 21 think is related to this lawsuit?

22 A. Physical injury?

23 Q. Physical injury.

24 A. No.

25 Q. Okay. Any other mental or psychological